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OCT 19 2005

*In re* Application of  
GILLESPIE, KEVIN  
Appl No.: 09/458,415  
Filed: December 10, 1999

Director's Office  
Group 3700


**DECISION GRANTING  
PETITION**  
*37 CFR 1.181*

This is a decision on petitioner's request filed February 23, 2005, requesting withdrawal of the holding of abandonment mailed January 14, 2005 based on no response being filed after the non-final rejection mailed June 15, 2004. The petition is considered pursuant to 37 CFR 1.181, and no fee is required for the petition.

The petition is granted.

In support of the request, petitioner has submitted a copy of a response and a copy of a PTO stamped post card receipt dated September 16, 2004. The response included a certificate of mailing dated September 14, 2004 so no extension of time is required for the response to be timely filed within the 3-month shortened statutory period set forth in the non-final rejection.

In view of the above, the Notice of Abandonment mailed January 14, 2005 is hereby vacated and the holding of abandonment is withdrawn. This application is being forwarded to the Technical Support Staff to return the application to an active status and for entry of the response. The application will then be forwarded to the examiner for appropriate action.

  
Richard A. Bertsch, Director  
Technology Center 3700

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